

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
NEWARK DIVISION**

CARMEN FORTUNA,	)	CASE No. _____
	)	
Plaintiff,	)	JUDGE _____
	)	
v.	)	
	)	
HOBART CORPORATION, et al.,	)	<b><u>NOTICE OF REMOVAL</u></b>
	)	
Defendants.	)	
	)	
	)	

Defendant ITW Food Equipment Group LLC ("ITW FEG"), incorrectly named in the Complaint as Hobart Corporation, hereby gives notice of the removal of a civil action, Docket No. L-100-10, from the Superior Court of New Jersey, Law Division, Passaic County (the "State Action") to the United States District Court for the District of New Jersey, Newark Division. Removal of this action to this Court is proper under 28 U.S.C. §§1446 and 1441(a) for the reasons set forth below:

1. On or about July 12, 2010, ITW FEG received a copy of the Summons, filed in the State Action on or about July 6, 2010, and the Civil Case Information Statement and Complaint, filed in the State Action on or about December 29, 2009, directed to Hobart Corporation. The receipt of the Summons, Civil Case Information Statement, and Complaint was ITW FEG's first notice of the lawsuit. (A copy of the documents filed in the State Action is attached as Exhibit A). This Notice of Removal is timely filed, within 30 days of ITW FEG's first receipt of the Summons, Civil Case Information Statement, and Complaint.

2. The State Action is a civil action over which this Court has original diversity jurisdiction under 28 U.S.C. §1332(a) for the following reasons:

(a) Plaintiff Carmen Fortuna is a resident of the State of New Jersey.

(b) ITW FEG is, and was at all relevant times, a Delaware limited liability company. ITW FEG has two members: FEG Investments LLC and PT2 Holdings, Inc. The first member of ITW FEG, FEG Investments LLC, has one member: Hobart Corporation. Hobart Corporation is, and was at all relevant times, a Delaware corporation with its principal place of business in Ohio. Therefore, Hobart Corporation is a citizen of Delaware and Ohio. 28 U.S.C. §1332(c)(1). Accordingly, FEG Investments LLC is, and was at all relevant times, a citizen of Delaware and Ohio. *Belleville Catering Co. v. Champaign Mkt. Place*, 350 F.3d 691, 692 (7th Cir. 2003) (holding limited liability companies are citizens of every state of which any member is a citizen); *see also C.T. Carden v. Arkoma Assoc.*, 494 U.S. 185, 195-96 (1990) (holding diversity jurisdiction in a suit by or against an entity other than a corporation depends on the citizenship of all the members). The second member of ITW FEG, PT2 Holdings, Inc., is, and was at all relevant times, a Delaware corporation with its principal place of business in Delaware. Therefore, PT2 Holdings, Inc. is a citizen of Delaware. 28 U.S.C. §1332(c)(1). Because the only two members of ITW FEG are citizens of Delaware and Ohio, ITW FEG is a citizen of Delaware and Ohio.

(c) Upon information and belief based upon the allegations in the Complaint, the matter in controversy now exceeds, and exceeded when the State Action was commenced, the sum of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interests and costs. Plaintiff has pled that she suffered "serious personal injuries" that are "permanent in nature" and that she has undergone surgery and will require further expenses, including medical treatment.

Upon information and belief, based on the nature of the injuries alleged and Plaintiff's claims in the State Action for compensatory damages, the amount in controversy exceeds the sum of \$75,000.00.

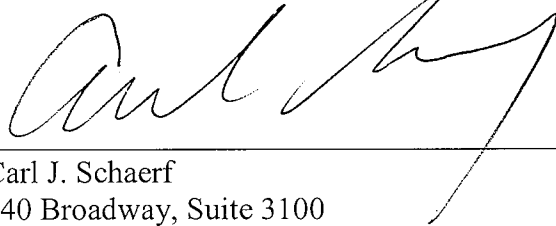
3. Removal to this Court is proper as this District includes the County where the State Action is pending.

4. By filing this Notice of Removal, ITW FEG does not intend to waive, and hereby reserves, any objections as to service, personal jurisdiction, and all other defenses.

5. Written Notice of this Notice of Removal will be served on Plaintiff and filed with the Superior Court of New Jersey, Law Division, Passaic County pursuant to the requirements of 28 U.S.C. 1446(d).

WHEREFORE, this action is removed from the Superior Court of New Jersey, Law Division, Passaic County to the United States District Court for the District of New Jersey, Newark Division.

SCHNADER HARRISON SEGAL & LEWIS LLP



Carl J. Schaerf  
140 Broadway, Suite 3100  
New York, New York 10005  
Phone: (212) 973-8000  
Fax: (212) 973-8005  
[cschaerf@schnader.com](mailto:cschaerf@schnader.com)

*Attorney for Defendant  
ITW Food Equipment Group LLC*



RECEIVED  
JUL 12 2010

Attorney(s) Scott K. Seelagy, Esq.  
 Office Address 1 Sir Arthurs Court  
P.O. Box 1526  
 Town, State, Zip Code Sparta, NJ 07871  
 Telephone Number (973) 726-0059  
 Attorney(s) for Plaintiff \_\_\_\_\_

## Superior Court of New Jersey

Passaic COUNTY  
LAW DIVISION

Docket No: PAS-L-100-10

CARMEN FORTUNA

Plaintiff(s)

Vs.

HOBART CORP., ABC CORP. (1-10) said name ABC CO.

being fictitious, and JOHN DOES (1-10), being fictitious.

Defendant(s)

## CIVIL ACTION SUMMONS

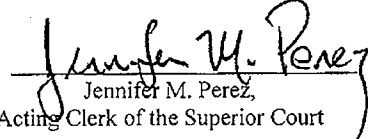
From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

Dated: 7-6-10

  
 Jennifer M. Perez,  
 Acting Clerk of the Superior Court

Name of Defendant to Be Served: Hobart Corp.

Address of Defendant to Be Served: 71 South Ridge Avenue, Troy, Ohio 45374

NOTE: The Case Information Statement is available at <http://www.njcourtsonline.com>

**DIRECTORY OF SUPERIOR COURT DEPUTY CLERK'S OFFICES  
COUNTY LAWYER REFERRAL AND LEGAL SERVICES OFFICES**

**ATLANTIC COUNTY:**

Deputy Clerk of the Superior Court  
Civil Division, Direct Filing  
1201 Bacharach Blvd., First Fl.  
Atlantic City, NJ 08401

LAWYER REFERRAL  
(609) 345-3444  
LEGAL SERVICES  
(609) 348-4200

**BERGEN COUNTY:**

Deputy Clerk of the Superior Court  
Civil Division, Room 115  
Justice Center, 10 Main St.  
Hackensack, NJ 07601

LAWYER REFERRAL  
(201) 488-0044  
LEGAL SERVICES  
(201) 487-2166

**BURLINGTON COUNTY:**

Deputy Clerk of the Superior Court  
Central Processing Office  
Attn: Judicial Intake  
First Fl., Courts Facility  
49 Rancocas Rd.  
Mt. Holly, NJ 08060

LAWYER REFERRAL  
(609) 261-4862  
LEGAL SERVICES  
(800) 496-4570

**CAMDEN COUNTY:**

Deputy Clerk of the Superior Court  
Civil Processing Office  
Hall of Justice  
1st Fl., Suite 150  
101 South 5<sup>th</sup> Street  
Camden, NJ 08103

LAWYER REFERRAL  
(856) 964-4520  
LEGAL SERVICES  
(856) 964-2010

**CAPE MAY COUNTY:**

Deputy Clerk of the Superior Court  
9 N. Main Street  
Cape May Court House, NJ 08210

LAWYER REFERRAL  
(609) 463-0313  
LEGAL SERVICES  
(609) 465-3001

**CUMBERLAND COUNTY:**

Deputy Clerk of the Superior Court  
Civil Case Management Office  
60 West Broad Street  
P.O. Box 10  
Bridgeton, NJ 08302

LAWYER REFERRAL  
(856) 692-6207  
LEGAL SERVICES  
(856) 451-0003

**ESSEX COUNTY:**

Deputy Clerk of the Superior Court  
Civil Customer Service  
Hall of Records, Room 201  
465 Dr. Martin Luther King Jr. Blvd.  
Newark, NJ 07102

LAWYER REFERRAL  
(973) 622-6204  
LEGAL SERVICES  
(973) 624-4500

**GLOUCESTER COUNTY:**

Deputy Clerk of the Superior Court  
Civil Case Management Office  
Attn: Intake  
First Fl., Court House  
1 North Broad Street  
Woodbury, NJ 08096

**LAWYER REFERRAL**

(856) 848-4589  
**LEGAL SERVICES**  
(856) 848-5360

**HUDSON COUNTY:**

Deputy Clerk of the Superior Court  
Superior Court, Civil Records Dept.  
Brennan Court House--1st Floor  
583 Newark Ave.  
Jersey City, NJ 07306

**LAWYER REFERRAL**

(201) 798-2727  
**LEGAL SERVICES**  
(201) 792-6363

**HUNTERDON COUNTY:**

Deputy Clerk of the Superior Court  
Civil Division  
65 Park Avenue  
Flemington, NJ 08822

**LAWYER REFERRAL**

(908) 735-2611  
**LEGAL SERVICES**  
(908) 782-7979

**MERCER COUNTY:**

Deputy Clerk of the Superior Court  
Local Filing Office, Courthouse  
175 S. Broad Street, P.O. Box 8068  
Trenton, NJ 08650

**LAWYER REFERRAL**

(609) 585-6200  
**LEGAL SERVICES**  
(609) 695-6249

**MIDDLESEX COUNTY:**

Deputy Clerk of the Superior Court,  
Middlesex Vicinage  
2nd Floor - Tower  
56 Paterson Street, P.O. Box 2633  
New Brunswick, NJ 08903-2633

**LAWYER REFERRAL**

(732) 828-0053  
**LEGAL SERVICES**  
(732) 249-7600

**MONMOUTH COUNTY:**

Deputy Clerk of the Superior Court  
Court House  
P.O. Box 1269  
Freehold, NJ 07728-1269

**LAWYER REFERRAL**

(732) 431-5544  
**LEGAL SERVICES**  
(732) 866-0020

**MORRIS COUNTY:**

Morris County Courthouse  
Civil Division  
Washington and Court Streets  
P. O. Box 910  
Morristown, NJ 07963-0910

**LAWYER REFERRAL**

(973) 267-5882  
**LEGAL SERVICES**  
(973) 285-6911

**OCEAN COUNTY:**

Deputy Clerk of the Superior Court  
118 Washington Street, Room 121  
P.O. Box 2191  
Toms River, NJ 08754-2191

**LAWYER REFERRAL**

(732) 240-3666  
**LEGAL SERVICES**  
(732) 341-2727

**PASSAIC COUNTY:**

Deputy Clerk of the Superior Court  
Civil Division  
Court House  
77 Hamilton Street  
Paterson, NJ 07505

LAWYER REFERRAL  
(973) 278-9223  
LEGAL SERVICES  
(973) 523-2900

**SALEM COUNTY:**

Deputy Clerk of the Superior Court  
Attn: Civil Case Management Office  
92 Market Street  
Salem, NJ 08079

LAWYER REFERRAL  
(856) 678-8363  
LEGAL SERVICES  
(856) 451-0003

**SOMERSET COUNTY:**

Deputy Clerk of the Superior Court  
Civil Division  
P.O. Box 3000  
40 North Bridge Street  
Somerville, N.J. 08876

LAWYER REFERRAL  
(908) 685-2323  
LEGAL SERVICES  
(908) 231-0840

**SUSSEX COUNTY:**

Deputy Clerk of the Superior Court  
Sussex County Judicial Center  
43-47 High Street  
Newton, NJ 07860

LAWYER REFERRAL  
(973) 267-5882  
LEGAL SERVICES  
(973) 383-7400

**UNION COUNTY:**

Deputy Clerk of the Superior Court  
1st Fl., Court House  
2 Broad Street  
Elizabeth, NJ 07207-6073

LAWYER REFERRAL  
(908) 353-4715  
LEGAL SERVICES  
(908) 354-4340

**WARREN COUNTY:**

Deputy Clerk of the Superior Court  
Civil Division Office  
Court House  
413 Second Street  
Belvidere, NJ 07823-1500

LAWYER REFERRAL  
(973) 267-5882  
LEGAL SERVICES  
(908) 475-2010



RECEIVED

JUL 12 2010

SCOTT K. SEELAGY, ESQ.

Attorney at Law  
1 Sir Arthurs Court  
Sparta, New Jersey 07871  
(973) 726-0059  
Attorney(s) for Plaintiff  
Carmen Fortuna

RECEIVED and FILED  
SUPERIOR COURT OF NEW JERSEY

DEC 29 2009

PASSAIC COUNTY

CARMEN FORTUNA,

Plaintiff,

v.

HOBART CORP., ABC CORP (1-10), said  
name ABC CORP (1-10), being fictitious and  
JOHN DOES (1-10), said name JOHN DOES  
(1-10) being fictitious, jointly and severally,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION : PASSAIC COUNTY  
DOCKET NO.: L-100-10

Civil Action

COMPLAINT AND JURY DEMAND

Plaintiff Carmen Fortuna, residing at 260 Gregory Avenue, Apartment B1, Passaic, Passaic County, New Jersey, by way of Complaint against defendants Hobart Corp., ABC Corp (1-10), said name ABC Corp. (1-10) being fictitious, and John Does (1-10), said name John Does (1-10) being fictitious, says:

**FIRST COUNT**

1. At all times relevant hereto, defendant Hobart Corp., having a place of business at 71 South Ridge Avenue, Troy, Ohio, was and is a corporation engaged in the business of designing, manufacturing, fabricating, assembling, selling and distributing food processing equipment, including slicing machines, in and about the United States of America, including New Jersey.
2. At all times relevant hereto, defendant ABC Corp (1-10) said name ABC Corp. (1-10) being fictitious, was and is a corporation or other form of entity engaged in the business of designing, manufacturing, fabricating, assembling, selling and distributing food processing equipment, including slicing machines, in and about the United States of America, including New Jersey.

3. At all times relevant hereto, defendants Hobart Corp. and ABC Corp (1-10) said name ABC Corp. (1-10) being fictitious, designed, manufactured, fabricated, assembled, inspected, sold and/or distributed a slicing machine, model no. and bearing serial no. , which the defendants distributed into the stream of commerce in New Jersey.
4. At all times relevant hereto, plaintiff Carmen Fortuna was employed as a food service worker with the Passaic Board of Education.
5. On January 2, 2008, plaintiff in the course of her employment in the cafeteria at the City of Passaic School No 9, located on First Street, in Passaic, New Jersey.
6. At the time and place aforesaid, plaintiff was in the process of cleaning the aforesaid slicing machine, model no., bearing serial no. which required her to "swing up" or lift a portion of the slicer to complete the cleaning process.
7. As plaintiff was cleaning under the raised part of the slicer, the raised portion fell to the lowered position, striking plaintiff's arm and hand, which caused a sudden and severe pulling motion on her shoulder, and which caused her to suffer injury..
8. At all times relevant hereto, the defendants' slicing machine was not reasonably fit, suitable and safe for its intended or reasonably foreseeable purposes and uses.
9. At all times relevant hereto, the defendants' slicing machine: 1) was defectively designed; 2) was defective because it contained a manufacturing defect; and/or 3) was defective because it failed to contain adequate or proper warnings sufficient to apprise plaintiff of the dangers and hazards associated with the proper use and/or reasonably foreseeable uses of the slicing machine.
10. Defendants violated the provisions of the New Jersey Products Liability Act, N.J.S.A. 2A:58C-1 et seq., and are strictly liable to the plaintiff in tort.
11. As a direct and proximate result of the defendants' conduct as aforesaid, plaintiff Carmen Fortuna was caused to suffer serious personal injuries, injuries which are permanent in nature, injuries to parts of her body which will not heal despite further medical care or intervention, great pain and suffering, pain and permanent disability, and plaintiff has undergone surgery and

incurred diverse expenses for hospital and medical treatment and has been prevented from attending to her occupation and lawful affairs; and, plaintiff Carmen Fortuna has and will in the future continue to suffer from serious personal injuries, injuries which are permanent in nature, injuries to body parts that will not heal to function normally despite further medical care and treatment, great pain and suffering, pain and permanent disability, and plaintiff has and will in the future incur diverse expenses for hospital and medical treatment, and has and will in the future be prevented from attending to her occupation and lawful affairs.

**WHEREFORE**, plaintiff Carmen Fortuna hereby demands judgment on the First Count against defendants Hobart Corp. and ABC Corp (1-10) said name ABC Corp. (1-10) being fictitious, for damages, interest, counsel fees and costs of suit.

### SECOND COUNT

12. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 11 as if same were more fully set forth at length herein.
13. At all times relevant hereto, defendant John Does (1-10), said name John Does (1-10) being fictitious, was a person, corporation, limited liability company, partnership or other business entity which performed service work, repairs, maintenance and/or inspections to the aforesaid slicing machine on or prior to January 2, 2008.
14. At all times relevant hereto, defendant John Does (1-10), said name John Does (1-10) being fictitious, owed a duty of reasonable care to the plaintiff, to perform the service work, repairs, maintenance and/or inspections properly.
15. At the time and place aforesaid, defendant John Does (1-10), said name John Does (1-10) being fictitious, negligently and carelessly performed the service work, repairs, maintenance and/or inspections to the aforesaid slicing machine, which caused the supports or mechanism which held up the raised portion of slicer during cleaning, to fail and to cause the machine to fall and strike the plaintiff.
16. At the time and place aforesaid, defendant John Does (1-10), said name John Does (1-10) being fictitious, breached its duty of care which was due and owing to the plaintiff.

17. As a direct and proximate result of the defendant's negligence as aforesaid, plaintiff Carmen Fortuna was caused to suffer serious personal injuries, injuries which are permanent in nature, injuries to parts of her body which will not heal despite further medical care or intervention, great pain and suffering, pain and permanent disability, and plaintiff has undergone surgery and incurred diverse expenses for hospital and medical treatment and has been prevented from attending her occupation and lawful affairs; and, plaintiff Carmen Fortuna has and will in the future continue to suffer from serious personal injuries, injuries which are permanent in nature, injuries to body parts that will not heal to function normally despite further medical care and treatment, great pain and suffering, pain and permanent disability, and plaintiff has and will in the future incur diverse expenses for hospital and medical treatment, and has and will in the future be prevented from attending to her occupation and lawful affairs.

**WHEREFORE**, plaintiff Carmen Fortuna hereby demands judgment on the Second Count against defendant John Does (1-10), said name John Does (1-10) being fictitious, for damages, interest, counsel fees and costs of suit.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury on all issues.

**DEMAND FOR ANSWERS TO FORM C AND C(4) INTERROGATORIES**

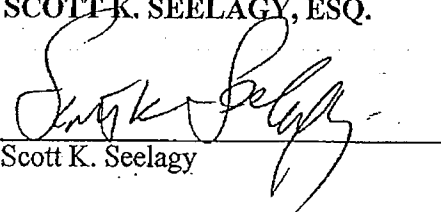
Plaintiff hereby demands that defendant serve certified answers to Form C and C(4) Interrogatories within the time prescribed by the Rules of Court.

**DESIGNATION OF TRIAL COUNSEL**

Scott K. Seelagy, Esq. is hereby designated as Trial Counsel pursuant to Rule 4:25-4.

**SCOTT K. SEELAGY, ESQ.**

BY:

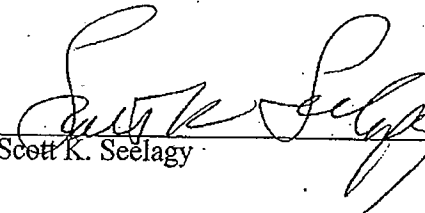
  
Scott K. Seelagy

Dated: December 28, 2009

CERTIFICATION

I HEREBY CERTIFY that, to the best of my knowledge, the subject matter of the cause of action herein is not the subject of any other action pending in any court or of any pending arbitration proceeding and that no other court proceedings or arbitration proceedings are contemplated and that no other parties need be joined.

BY:

  
Scott K. Seelagy

Dated: December 28, 2009

RECEIVED

JUL 12 2010

## Appendix XII-B1



## CIVIL CASE INFORMATION STATEMENT

(CIS)

Use for initial Law Division  
Civil Part pleadings (not motions) under Rule 4:5-1  
Pleading will be rejected for filing, under Rule 1:5-6(c),  
if information above the black bar is not completed or  
if attorney's signature is not affixed.

FOR USE BY CLERK'S OFFICE ONLY

PAYMENT TYPE: ☐ CK ☐ CG ☐ CA

CHG/CK NO.

AMOUNT:

OVERPAYMENT:

BATCH NUMBER:

ATTORNEY/PRO SE NAME

Scott K. Seelagy

TELEPHONE NUMBER

(973) 726-0059

COUNTY OF VENUE

Passaic

FIRM NAME (If applicable)

Scott K. Seelagy, Esq.

DOCKET NUMBER (When available)

OFFICE ADDRESS

1 Sir Arthurs Court, Sparta, NJ 07871

DOCUMENT TYPE

Complaint

JURY DEMAND

☒ YES☐ NO

NAME OF PARTY (e.g., John Doe, Plaintiff)

Plaintiff Carmen Fortuna

CAPTION

Carmen Fortuna v. Hobart Corp., et als.

CASE TYPE NUMBER  
(See reverse side for listing)

605

IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO

IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.

RELATED CASES PENDING?

☐ YES ☒ NO

IF YES, LIST DOCKET NUMBERS

DO YOU ANTICIPATE ADDING  
ANY PARTIES (arising out of same  
transaction or occurrence)?☐ YES ☒ NO

NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY, IF KNOWN

☐ NONE☒ UNKNOWN

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

DO PARTIES HAVE A CURRENT,  
PAST OR RECURRENT  
RELATIONSHIP? ☐ YES ☒ NO

IF YES, IS THAT

RELATIONSHIP?

☐ EMPLOYER-EMPLOYEE  
☐ FAMILIAL☐ FRIEND/NEIGHBOR ☐ OTHER (explain)  
☐ BUSINESSDOES THE STATUTE GOVERNING THIS  
CASE PROVIDE FOR PAYMENT OF FEES  
BY THE LOSING PARTY?☐ YES ☒ NO

USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION:

None at this time.

RECEIVED and FILED  
SUPERIOR COURT OF NEW JERSEY

DEC 29 2009

PASSAIC COUNTY

DO YOU OR YOUR CLIENT NEED ANY  
DISABILITY ACCOMMODATIONS?☐ YES ☒ NOIF YES, PLEASE IDENTIFY THE  
REQUESTED ACCOMMODATION:

WILL AN INTERPRETER BE NEEDED?

☒ YES ☐ NO

IF YES, FOR WHAT LANGUAGE: Spanish

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

ATTORNEY SIGNATURE:

**SIDE 2**

# CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1*

**CASE TYPES** (Choose one and enter number of case type in appropriate space on the reverse side.)

**Track I — 150 days' discovery**

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (INCLUDING DECLARATORY JUDGMENT ACTIONS)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (SUMMARY ACTION)
- 999 OTHER (Briefly describe nature of action)

**Track II — 300 days' discovery**

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603 AUTO NEGLIGENCE — PERSONAL INJURY
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE — PROPERTY DAMAGE
- 699 TORT — OTHER

**Track III — 450 days' discovery**

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES
- 620 FALSE CLAIMS ACT

**Track IV — Active Case Management by Individual Judge / 450 days' discovery**

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

**Centrally Managed Litigation (Track IV)**

- 280 Zelnorm
- 285 Stryker Trident Hip Implants

**Mass Tort (Track IV)**

- |                                       |  |
|---------------------------------------|--|
| 248 CIBA GEIGY                        | 279 GADOLINIUM                         |
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL |
| 271 ACCUTANE                          | 282 FOSAMAX                            |
| 272 BEXTRA/CELEBREX                   | 283 DIGITEK                            |
| 274 RISPERDAL/SEROQUEL/ZYPREXA        | 284 NUVARING                           |
| 275 ORTHO EVRA                        | 286 LEVAQUIN                           |
| 277 MAHWAH TOXIC DUMP SITE            | 601 ASBESTOS                           |
| 278 ZOMETA/AREXIA                     | 619 VIOXX                              |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category:

☐ Verbal Threshold

☐ Putative Class Action

☐ Title 59



RECEIVED

JUL 12 2010

SCOTT K. SEELAGY

ATTORNEY AT LAW  
P.O. BOX 1526  
1 SIR ARTHUR'S COURT  
SPARTA, NEW JERSEY 07871

MEMBER OF THE BARS OF THE  
STATES OF NJ AND NY

e-mail: [seelagy@earthlink.net](mailto:seelagy@earthlink.net)

TEL. (973) 726-0059  
FAX. (973) 726-0139

July 7, 2010

Via Certified Mail RRR and Regular Mail

Attn: General Counsel or President  
Hobart Corp.  
71 South Ridge Avenue  
Troy, OH 45374

Re: Carmen Fortuna v. Hobart Corp.  
Docket No.: PAS-L-100-10

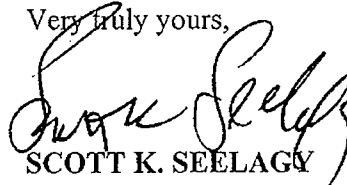
Dear Sir/Madam:

Please be advised that I represent plaintiff Carmen Fortuna in connection with the above matter. Pursuant to the New Jersey Rules of Court, enclosed please find an original and one copy of a Summons each attached to copies of the filed Complaint, which are hereby served upon defendant Hobart Corp. As is set forth in the enclosed Summons, Hobart Corp. has 35 days from the date hereof to file an Answer to the Complaint with the Deputy Clerk of the Superior Court, Passaic County Court House, 77 Hamilton St., Paterson, NJ 07505.

In the event that Hobart Corp. fails to file an Answer within 35 days, plaintiff may move for the entry of default, and thereafter final judgment by default. Should you wish to discuss the matter, please contact me.

Your attention to this matter is appreciated.

Very truly yours,



SCOTT K. SEELAGY

SKS:ss

cc: Ms. Carmen Fortuna  
[c:\fortuna.carmen\hobart.1]



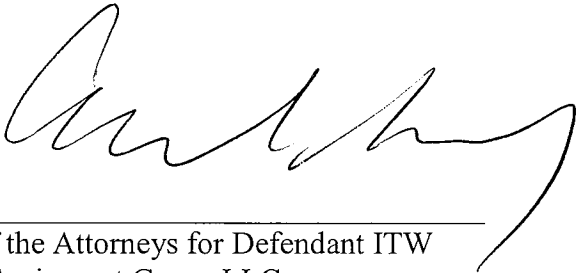


**CERTIFICATE OF SERVICE**

A copy of the foregoing Notice of Removal was served by regular mail this 10th day of August, 2010, on:

Scott K. Seelagy, Esq.  
1 Sir Arthurs Court  
Sparta, NJ 07871

*Attorney for Plaintiff*



One of the Attorneys for Defendant ITW  
Food Equipment Group LLC